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forces which have little or no necessary connection with present-day economic problems.

While this is the main criticism to be made of the book, some minor criticisms may be made of his use of terms. For example, his opposition of the terms "competition" and "co-operation." Professor Howerth will not have it that competition may mean mere rivalry or emulation, but he identifies competition with the brutal struggle for existence. All competition, he tells us, is essentially selfish. Therefore he condemns even "regulated competition," and prophesies the gradual elimination of competition from industrial society and its substitution by co-operation. The goal of industry, therefore, is the complete replacement of competition by co-operation. But those writers who argue for the permanence and beneficence of competition in society usually mean by competition, not the "strifes of man against man," but comparative testing of fitness. Competition in this sense is a necessary part of the process of selection in society, and is as beneficent as selection itself. It is indeed, the basis of our whole educational system. With its grades, grading systems, degrees, and other competitive tests, it may be doubted whether competition is any less intense in the educational world than in the industrial world; only it is *regulated* competition. Whatever argument there may be for retaining regulated competition in the educational process, certainly applies equally to the industrial world. It would seem that what we should strive for is not to get rid of competition, but to replace its brutal forms by rational forms.

In spite of these strictures, which the writer of this notice feels compelled to make, the book is, nevertheless, a thoughtful one and should be read by all students of the social problem.

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*The World's Legal Philosophies.* By FRITZ BEROLZHEIMER, translated from the German by RACHEL SZOLD JASTROW, with an introduction by SIR JOHN MACDONELL and by ALBERT KOCOUREK. Boston, 1912.

This is the second volume of a series of projected volumes on Modern Legal Philosophies, edited by a committee of the American Law Schools. The committee's purpose in the selection of the volumes for the series has been, "not so much to cover the whole field of modern philosophy or law, as to exhibit faithfully and fairly all the modern viewpoints of

any present importance. . . . It is believed that the complete series will represent, in compact form, a collection of materials, whose equal is not to be found at any single time, in any foreign literature" (p. vi).

No particular school of thought has dominated in the selection; and geographical representation is given only incidental consideration. "Continental thought," the committee observes, "has lines of cleavage which make it easy to represent the legal schools and the leading nations at the same time. Germany, for example, is represented in modern thought by a preponderant metaphysical influence. Italy is primarily positivist, with subordinate German and English influences. France, in its modern standpoint, is largely sociological" (p. vii). The first volume of the series, the volume preceding Berolzheimer, is a comprehensive survey of the science of law, by Karl Gareis, University of Munich.

The volume by Berolzheimer is a historical presentation of the world's legal philosophies. Berolzheimer is a neo-Hegelian in distinction from a neo-Kantian, or positivist. He postulates close relation of economics and law. While he does not posit an exclusively economic interpretation of history, he regards the economic life of each succeeding culture epoch as connected with its predecessors. Law and economics, according to Berolzheimer, are related to each other as form and content; the economic life constituting content, to which the law gives the form or constitution.

In his first two chapters, dealing respectively with the origins of oriental civilization and the ancient commonwealth or Greek civilization, Berolzheimer traverses fairly familiar ground in the usual manner. In the former field, however, his information is fuller than that of the older writers, but he offers little that is really new, unless we call it new that the recovered cuneiform literature of Assyria and Babylonia and the demotic literature of Egypt enable him to sketch the features of oriental civilization with a firmer hand than was formerly possible. His brief handling of the ancient Aryan conception of *rita*, and the Egyptian *ra* as like unto the Roman conception of *jus naturale rationis* is admirable. Of Greek civilization we have a familiar picture of the classical Greek writers from the early sophists, through Plato and Aristotle, to the post-Aristotelian period, the cynics, cyreniacs, stoics, skeptics, and neo-Platonists.

With the third chapter we enter upon ground to the cultivation of which English and American scholars have scantily contributed, although they may be said to have acquired, through the labors of

continental scholars, a fairly adequate conception of the civic empire of ancient Rome and its moralization of Roman law, through the principle of *aequitas* and *jus naturale*, of Cicero, who led his own contemporaries through a philosophic study of law. The older Roman ethics, like the Greek ethics, was aristocratic. "From the appearance of Christianity, mankind endeavored to apply a universal humanitarian ethics to the problems of life, society, and government. But the conception was limited to a Christian article of faith so long as absence of temporal power deprived it of access to law and government, and therein lies the fundamental significance of the elevation of Christianity to an established religion within the Roman Empire" (p. 90). Justinian, the final promulgator of the civil law, was a Christian emperor.

In chap. iv we have a characterization of the bondage of mediaevalism, covering some twenty pages, in which the philosophy of St. Augustine, Thomas Aquinas, the tenet of the "two swords," economic and social restrictions, and the liberal tendencies of the Middle Ages, represented by Dante, Occam, Marsilius, and Cusanus, are briefly sketched. This ground is covered more elaborately and from the same comprehensive point of view, by Dunning, in his *Political Theories Ancient and Medieval*.

In chap. v the first period of modern legal philosophy is comprehensively surveyed under the title, "Civic Emancipation: Rise and Decline of Natural Law." In this chapter the mercantilists, the physiocrats, the systems of Colbert, and of Quesnay, and other physiocrats, and the classical economists, Smith, Ricardo, Say, and Malthus, are considered for their contributions to legal philosophy, along with the usually cited seventeenth- and eighteenth-century politicians and philosophers like Grotius, Hobbes, Pufendorf, Locke, Spinoza, Thomasius, Bentham, Mill, Austin, and Montesquieu. The exposition of these legal philosophies is followed by an exposition of the culminating legal philosophies of the older schools, under the leadership of Kant, Fichte, Schopenhauer, Schelling, and Hegel. Allied in spirit to this metaphysical school, Berolzheimer reviews the recent contributions of Stahl, Trendelenburg, Krause, Ahrens, Herbart, Dahn, and Lasson.

In chap. vi Berolzheimer introduces a critical review of French communism, German socialism, anarchism, and other types of socialism. He entitles the chapter, the "Emancipation of the Proletariat, Encroachment upon the Philosophy or Law by Economic Realism."

The concluding chapter of this volume is devoted to an examination of the sociological character and constructive tendencies of contem-

porary legal philosophy. An effort is made to give a critical estimate of the development of sociology, under the leadership of Comte and Spencer, and the social utilitarianism represented by Shaftesbury and Ihering. Berolzheimer finds that the sociological school, through its recent representative sociologists like Gumpłowicz, Ratzenhofer, Tönnies, Klöppel, and others, has contributed along with the realistic and historical trends in political economy to the reinstatement of Kant and Hegel, giving us the neo-Kantianism, and the neo-Hegelianism. The psychological aspects of law and economics are fully recognized. The closing section of the volume contains an introduction to recent surveys of fundamental problems in legal philosophy and the influence of the principles of evolution.

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*Sociology: Its Simpler Teachings and Applications.* By JAMES QUAYLE DEALEY. New York: Silver, Burdett & Co., 1909. Pp. 405.

In this book Professor Dealey is giving his own views, and not condensing Ward as in the Dealey and Ward *Text Book of Sociology*; and yet the sociology presented is the sociology of Ward and Spencer and Comte rather than the sociology of today. Some slight discussion of primitive man and early social development is followed by a good chapter on "Achievement and Civilization." The present reviewer finds the chapter on "Social Psychology" inadequate and does not consider that "The Development of Social Institutions" should constitute a half of sociological teaching. There are those who do, however, and they ought to find the six sections of this part very helpful: (1) "Economic Development," (2) "The Family," (3) "The Development of the State," (4) "The Religious Institution," (5) "The Institution of Morals," (6) "Cultural Development." Part II deals with social problems and appears to the present reviewer as a presentation that ought to appeal strongly to the instructor who desires to make much of problems and social evils in his introductory course. In the search for a good text to use in his first course the instructor certainly ought to consider this book carefully, as he may find it well adapted to his purposes.

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